



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,144	02/17/2004	Aaron Sauve	14917.1241US01/307917.01	2246
27488	7590	03/29/2011		
MERCHANT & GOULD (MICROSOFT)			EXAMINER	
P.O. BOX 2903			KIM, JUNG W	
MINNEAPOLIS, MN 55402-0903				
			ART UNIT	PAPER NUMBER
			2494	
			MAIL DATE	DELIVERY MODE
			03/29/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Non-responsive amendment

1. The amendment filed on 12/14/10, which made wholesale changes to the claims so that they are now drawn to a related but distinct invention from the previously presented claimed invention, is non-responsive. See MPEP 821.03 and 37 CFR 1.145. Related inventions are distinct if the (1) inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the invention do not overlap in scope, i.e. are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP 806.05(j). In the instant case, the invention as currently claimed is materially different in function or effect than the previously presented claims. Whereas the earlier claims were directed to inventions for suppressing activatable objects based on a determination of the trust level of the object, the current claims eliminate that requirement; instead they are now drawn to inventions for suppressing activatable objects based on whether or not the source of the object was a previously blocked certificate. None of the previously presented claims defined this feature. Furthermore, the current claimed invention and the previously claimed invention are mutually exclusive: an invention for suppressing activatable objects based on the trust level of the object would not infringe an invention for suppressing an activatable object based on whether the source of the object was a previously blocked certificate, and vice versa. See MPEP 806.05 ("Related inventions in the same statutory class are considered mutually exclusive, or not overlapping in scope, if a first invention would not infringe a second invention, and the second

invention would not infringe the first invention."). Finally, there is nothing of record to show them to be obvious variants. Hence, the remaining claims are not readable on the previously presented claimed invention.

2. Since applicant has received an action on the merits for the originally presented invention, the currently claimed invention has been constructively elected by original presentation for prosecution on the merits; hence the amendment is non-responsive.

3. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Communications Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jung Kim/
Primary Examiner, AU 2432